

### **Remarks**

Claims 41-50 and 52 are allowed. Claims 24-33 are pending and are amended in the this Response and Amendment. Claim 51 has been cancelled. The amended claims 24-33 recite a method of detecting the presence of antibodies to *M. bovis* and *M. tuberculosis* in a biological sample, support for which can be found in previously filed claims 25-50 and in the specification, particularly in example I on page 16 through page 20, line 3, and on page 30, line 9-16 and in figure 3.

Applicant gratefully acknowledges allowance of Claims 41-50 and 52. Applicant acknowledges the Advisory Action mailed on March 26, 2003, wherein the Examiner states that the Preliminary Amendment mailed by Applicant on January 31, 2003, received in the United States Patent and Trademark Office on February 6, 2003, was not entered because it presented additional claims without cancelling a corresponding number of finally rejected claims. The Applicant filed the Preliminary Amendment prior to the Applicant's receipt of the final Office Action mailed January 29, 2003. Applicant respectfully requests that the Examiner accept this Response and Amendment as responsive to the final Office Action and to the Advisory Action.

### **Rejections under 35 U.S.C. §112, first paragraph**

#### Claims 24-33

Claim 24 has been amended to remove the reference to "homologs of SEQ ID NO: 2" and to add the limitation of specific species of Mycobacterium in the interest of expediting prosecution. Applicant submits that this amendment addresses the Examiner's rejection under §112, first paragraph, of claim 24 and dependent claims 25-33.

### CONCLUSION

On the basis of the amendments and remarks presented herein, Applicants believe that this application is now in condition for immediate allowance. Applicants respectfully request that the Examiner pass this application to issue, and an early notice of such is requested. The Examiner is invited to call the undersigned attorneys for discussion of any outstanding issues.

Respectfully submitted,

DORSEY & WHITNEY LLP



Richard F. Trecartin (31,801)  
*Filed under 1.34 (a)*  
**Customer No. 32940**

Suite 3400, Four Embarcadero Center  
San Francisco, California 94111-4187  
(415) 781-1989